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8 Attorneys for Defendants
MATSON NAVIGATION COMPANY, INC.
9 AND ALEXANDER & BALDWIN, INC.

10
11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

13
14 JOSHUA WAGNER, on behalf of himself and)
all others similarly situated,)

15 Plaintiff,)

16 v.)

17 HORIZON LINES, INC.; HORIZON LINES,)
18 LLC; MATSON NAVIGATION COMPANY,)
INC.; and ALEXANDER & BALDWIN, INC.,)

19 Defendants.)
20)
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Case No. CV 08-3246 MEJ

**STIPULATION RE EXTENSION OF
RESPONSIVE PLEADING DEADLINE**

1 WHEREAS the undersigned plaintiff has filed the above-captioned case;

2 WHEREAS plaintiff alleges antitrust violations on behalf of purchasers of domestic
3 containerized ocean shipping services for service between the continental United States and
4 Hawaii ("Hawaiian Ocean Shipping");

5 WHEREAS twelve complaints have been filed to date in multiple federal district courts by
6 plaintiffs purporting to bring class actions on behalf of purchasers of Hawaiian Ocean Shipping
7 (collectively "the Hawaiian Ocean Shipping Cases");

8 WHEREAS, a motion is pending before the Judicial Panel on Multidistrict Litigation (the
9 "Panel") to transfer the Hawaiian Ocean Shipping Cases to this jurisdiction for coordinated and
10 consolidated pretrial proceedings pursuant to 28 U.S.C. section 1407;

11 WHEREAS, a hearing on the motion for transfer is currently scheduled for July 31, 2008
12 before the Panel, and the cases will likely be transferred by the end of August 2008;

13 WHEREAS plaintiff anticipates the possibility of a Consolidated Complaint in the
14 Hawaiian Ocean Shipping Cases;

15 WHEREAS plaintiff and Horizon Lines, Inc., Horizon Lines, LLC, Matson Navigation
16 Company, Inc., and Alexander & Baldwin, Inc. ("Defendants") have agreed that an orderly
17 schedule for any response to the pleadings in the Hawaiian Ocean Shipping Cases would be more
18 efficient for the parties and for the Court;

19 PURSUANT TO CIVIL LOCAL RULE 6-1(a), PLAINTIFF AND DEFENDANTS, BY
20 AND THROUGH THEIR RESPECTIVE COUNSEL OF RECORD, HEREBY STIPULATE AS
21 FOLLOWS:

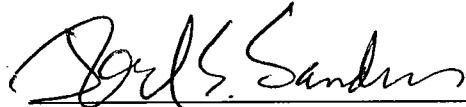
22 1. The deadline for Defendants to answer, move, or otherwise respond to plaintiff's
23 Complaint shall be extended until the earliest of the following dates: (1) forty-five days after the
24 filing of a Consolidated Complaint in the Hawaiian Ocean Shipping Cases; or (2) forty-five days
25 after plaintiff provides written notice to Defendants that plaintiff does not intend to file a
26 Consolidated Complaint, provided however, that in the event that Defendants should agree to an
27 earlier response date in any Hawaiian Ocean Shipping Case, Defendants will respond to the
28 Complaint in the above-captioned case on that earlier date.

2. This Stipulation does not constitute a waiver by Defendants of any defense, including but not limited to the defenses of lack of personal jurisdiction, subject matter jurisdiction, improper venue, or service of process.

IT IS SO STIPULATED.

Dated: July 15, 2008

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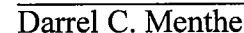
Counsel for Defendants

Matson Navigation Company, Inc. and

Alexander & Baldwin, Inc.

Dated: July _____, 2008

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Counsel for Defendants

Horizon Lines, Inc. and Horizon Lines, LLC

1 2. This Stipulation does not constitute a waiver by Defendants of any defense,
2 including but not limited to the defenses of lack of personal jurisdiction, subject matter
3 jurisdiction, improper venue, or service of process.

4 IT IS SO STIPULATED.

5 Dated: July ____, 2008

GIBSON, DUNN & CRUTCHER, LLP

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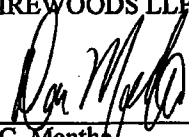
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